



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243  
615-741-2515**

## **MINUTES**

The State Board of Cosmetology and Barber Examiners held a meeting January 30, 2017 at 10:25 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Charlton, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Judy McAllister, Patricia Richmond, Mona Sappenfield and Amy Tanksley. Not in attendance Kelly Barger, and Brenda Graham.

Others present were: Roxana Gumucio, Executive Director, Cherrelle Hoover, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

### **MINUTES-**

Minutes for the December 12, 2016 board meetings were submitted for changes and/or approval.

Motion made by Frank Gambuzza and seconded by Yvette Granger to approve the December 12, 2016 minutes. Motion carried unanimously.

### **Roberts Rule of Order:**

For 2017 the board needs to vote to adopt Roberts Rule of Order.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to adopt Roberts Rules. Motion carried unanimously.

### **Elect Board Chair and Vice Chair:**

Pursuant to T.C.A. 62-4-105, the board shall annually elect a chair and vice chair.

MOTION made by Patricia Richmond and seconded by Judy McAllister to elect Ron Gillihan as Chair and Kelly Barger as vice chair of the State Board of Cosmetology and Barber Examiners for 2017. Motion carried unanimously.

### **2017 Legislative Updates:**

The 2017 legislative session introduced two bills that affect the State Board of Cosmetology and Barber Examiners. They are listed in no specific order and with the most current information as of Wednesday, January 25, 2017:

#### SB33-HB31 Barbering services outside of a shop –

This bill amends the current exception allowing a master barber to provide barbering services outside of a licensed shop in the residence of a person who is actually ill to allow the barber to provide those services in the home of a person who is suffering from a disability, as well. This bill would take effect upon becoming law.

#### SBXX-HB30 Barbering services outside of a shop –

This bill expands the current exception allowing a master barber to perform barbering services in the residence of a person who is ill to allowing such services in the residence of the person upon which are being rendered without the need for an actual illness. This bill would take effect on becoming law.

### **APPEAR BEFORE THE BOARD-**

#### **Crown Cutz Academy:**

Mr. Craig Charles appeared before the board with all the requirements for a Barber School change in location. The school was previously approved for inspection at the November 2015 board meeting but it never received the inspection and never opened. Mr. Craig explained that the location did not work out and he is now asking for an inspection at the new location still in Johnson City Tennessee. The new floor plan, application and required fee were all received.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve change in location pending an inspection by a board member and field inspector. Motion carried unanimously.

**Premier Cosmetology Academy, New School Application:**

Ms. Sharon Smith appeared before the board for a New Cosmetology School. The business license, floor plan, enrollment agreement, student handout, application and fee were all received timely.

MOTION made by Patricia Richmond and seconded by Bobby Fingers to approve new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

**Shear Perfection Academy of Cosmetology, School Change in Location:**

Co-Owners Helen Tahriri and Elvin Mejia appeared before the board for a change in location. The school license 139, for a location in White House, Tennessee will be the license moved to the Antioch campus. That building is 4,000 sq. ft. and they have determined that they only need one location but still want to keep both school licenses active. A letter was provided explaining the business plan as well as the application, floor plan and fee.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield. Motion carried unanimously. Postpone decision on this change of location for legal to research.

**Baker's Barber College, Change in Location:**

Mr. Tim Baker appeared before the board with all the requirements for a Barber School change in location. The school is still in Chattanooga. The new floor plan, application and required fee were all received.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve change in location pending an inspection by a board member and field inspector. Motion carried unanimously

**Tri-City Beauty College, Re-Application for New School License:**

Ms. Beller appeared before the board along with instructor Judy Fritts to request reconsideration of a new school license. This application was previously presented at the October and December board meetings and denied because the board had concerns about the administration of the school. A binder was mailed to the office in mid-January. The information in the binder dates back to 2008 rules, 2013 laws and it appears to be the working copy of the school. There was no

requirement for these documents to have been submitted. The board has asked for a business plan and explanation of who would manage the school and handle the administration. Ms. Beller answered questions.

MOTION made by Patricia Richmond and seconded by Yvette Granger to deny new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

#### **APPLICATIONS FOR EXAMINATION-**

Applications for examination for: Anna Lee and Charity Garland. The applicants have felonies within the last three years or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

Motion made by Nina Coppinger and seconded by Mona Sappenfield to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for Thuy Dam. Ms. Dam provided translated certificate of completion showing 600 hours were completed in March 2015.

Motion made by Amy Tanksley and seconded by Bobby Finger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a master barber with hours from Iraq for Mohammed Mohammed. Mr. Mohammed provided a translated letter regarding high school completion of the 12<sup>th</sup> grade as well as a certificate of completion dating back to 2005 showing he completed 2000 hours in barbering. Mr. Mohammed previously held a cosmetology license which was revoked in June 2013 because he did not meet the requirements to have obtained a license. Board records also reflect 1,500 hours from a school in the Nashville area in 2009. None of those hours could be verified therefore the board did not approve him to continue testing. Mr. Mohammed was the owner of more than one shop and or salon which have had unlicensed activity and severe disciplinary concerns as well as revocation of shop licenses. He has expressed his desire to test so he can manage his own shops. His wife is now licensed and the manager of one of those shops.

Motion made by Bobby Finger and seconded by Judy McAllister to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a master barber with hours from Iraq for Sarbast Naqeeb Sadiq. Mr. Sadiq provided a translated certificate regarding high school as well as a certificate of completion showing he completed 1,500 hours in barbering in August 2011.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve request to take the Tennessee exams. Motion carried unanimously.

## **MISCELLANEOUS REQUESTS –**

### **Request for Waivers, Reconsiderations and Extensions:**

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. McKenna Bishop passed her cosmetology practical examination in June 2016. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Bonilla submitted a letter requesting waiver of the requirement to retest. Her letter explains that she did not receive her PSI exam results and that she attempted to follow up until December after the board meeting. She has missed the six months by about eight weeks.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Chelsea Bowie passed her cosmetologist practical examination in April 2016. Ms. Bowie provided a letter explaining that she moved and changed jobs since the practical exam and therefore missed the six month timeframe.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Sheena Johnson passed her cosmetologist practical examination in February 2016. Ms. Johnson submitted a letter requesting waiver of the requirement to retest because she was unaware that her application was incomplete and that the board was missing the verification eligibility form.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

Motion was given to the Executive Director, Roxana Gumucio ability to approve with 1 year for over the 6 months request of rule 0440-1-.10.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Samantha Parrish passed her cosmetologist practical examination in February 2016. Ms. Parrish submitted a letter requesting waiver of the requirement to retest because when she passed her exam she was eight months pregnant. She later mailed her application and fee but forgot the verification eligibility form.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Kelly Reese passed her cosmetologist practical examination in November 2015. Ms. Reese submitted a letter requesting waiver of the requirement to retest because when she passed her exam she was 30 weeks pregnant. Her letter explains additional complications after becoming a mother and needing to be the primary provider for the family. By the time she realized she needed to apply for a license the six months had passed.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request for manicurist license for Mr. Peter Nguyen. Mr. Nguyen passed his practical exam in December 2016. He previously held a license which was revoked in June 2016 because he did not obtain his education as required by Texas law. He completed hours in Tennessee in 2003 but failed the exams in English at least at least 24 times since 2005. In September 2016 he started taking the theory exam in Vietnamese and on the sixth attempt he passed it and he passed the practical the first round.

MOTION made by Frank Gambuzza and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request for cosmetology license for Ms. Rachel Lam. Ms. Lam passed her practical exam in August 2016. Her license was previously revoked in 2012 for having obtained it by fraudulent means. Ms. Lam changed her name and one digit on her social security number was different

from the 2011 information the office had. With both those conditions, and her response on the application saying she had never had a license, it is fortunate we caught her situation. Her cosmetology license was approved in November 2016.

Based on the incorrect information the Board would request for the Attorney for the Board, Cherrelle Hoover to issue an administratively opened complaint.

MOTION made by Patricia Richmond and seconded by Judy McAllister. Motion carried unanimously.

Request from Aisha Hayes for extension to complete coursework pursuant to Tenn. Code Ann. § 62-4-123 which states that a student shall complete required courses seven (7) years from the original date of enrollment. Ms. Hayes provided a letter explaining her medical situation and complications since December 2010. She has 1,279 hours in the cosmetology discipline which she started on January 5, 2010. She needs 221 additional hours and should be able to complete them within three months.

MOTION made by Mona Sappenfield and seconded by Nina Copping to approve request. Motion carried unanimously.

Request from instructor Mackenzie Lane for an extension of the required continuing education hours. Ms. Lane was originally licensed as an instructor in 2012 and completed a continuing education session in August 2014. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time when all other requirements have been met. Ms. Lane paid for her license in November 2016 but she should have also completed her continuing education before December 31, 2016. She has already taken the online class and is asking for the waiver so the session can count and she does not need to take the reinstatement exams.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve request. Motion carried unanimously.

Faviola Dominguez, application to test for cosmetology with hours from Mexico.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve her to take the Tennessee exams. Motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCITY-**

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, December 12th to review seven (7) reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of natural hair stylist license with hours from Guinea for Diariou Diallo. Diploma shows that between 2003 – 2006 she completed education in hair braiding and presented all the information she has.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from New York for Caroline Gladden. Certification shows initial licensure in May 2015 with 600 hours by examination. Ms. Gladden provided a letter explaining her experience, additional education received in the area of cosmetic laser and she is requesting the board waive the additional 150 hours.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Washington State for Tracie Johnson. Ms. Johnson also has a license in Arkansas obtained by reciprocity in 2010 and currently active. She was first licensed in Washington in 1997 with 500 hours. She responded by email and explained that she has no work for the last five years because she moved to Tennessee four years ago and is now trying to get back to work.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Ngoc Nguyen. Certification shows full specialist license issued in August 2008 with 260 hours toward aesthetics and no exams. Ms. Nguyen provided tax records for the last five years showing work experience in the



industry. In 2010 she obtained a license in Kentucky and there she had to take the practical exam for licensure, passing with an 80.5%.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Ellise Pham. Ms. Pham was presented to the board at the August 2016 board meeting because she needed work experience in lieu of hours and one of the references was not truthful. The board at that time required her to complete 200 additional hours. Now she has provided proof of training from California showing she went back to California in August 2016 through September 2016 and completed the 200 hours at Linda Beauty School. The office checked on the information and to the best we can determine at this time, that school is licensed and the hours follow that States requirements.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Sylwia Romanczak. Certification shows initial licensure in July 2016 with 240 hours and no examination. Ms. Romanczak provided a letter and commission agreement from an employer showing work experience since 2010. She also included a letter explaining that she completed over 500 practical hours in Poland.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Texas for Thein Huong Vo. Certification shows initial licensure in May 1989 with 1,500 hours from 2005 by examination. Because the certification did not match the initial licensure and general information Texas provides, she was asked for more details. She provided a letter explaining that she worked in the industry since 1989 but at some point left for missionary work. Her license would have stopped being renewed and Texas required her to complete more hours and take the exams in order to get reinstated.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Is'Cah Willis. Certification shows initial licensure in March 2006 with 525 hours by examination. Ms. Willis applied for licensure shortly after the December board meeting and the board has in past addressed the shortage of 75 hours. Given that Georgia is one of Tennessee's neighbor States, many applicants come in this way. The board has approved reciprocity no longer requiring the shortage of hours or proof of work experience as long as they have some. This applicant was approved in December so she would not need to wait. The office needs to confirm and be given instruction to approve these as they apply.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

## **LEGAL REPORT- STAFF ATTORNEY**

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:30 AM on Monday, January 30<sup>th</sup> to review the allegations of 21 complaints and make recommendations to the Board.

Attending were Board members Frank Gambuzza and Bobby Finger and Amy Tanksley.

### **NEW CASES**

#### **Cosmetology**

**1. Case No.: COS-2016064461**

**First License Obtained: 08/13/2009**

**License Expiration: 07/31/2018**

**Complaint history: None**

At the time of inspection October 2016, the Respondent was operating a shop with an expired license. The shop manager and owner are the same individual. Since the time of the inspection the shop license has been renewed.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100 civil penalty.**

**Decision: Approved**

**2. Case No.: COS-2016065141**

**First License Obtained: 08/14/2014**

**License Expiration: 08/31/2018**

**Complaint history: None**

At the time of inspection in October 2016 the Respondent was operating a shop with an expired license. The shop manager and owner are the same individual. Since the time of the inspection the shop license has been renewed.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100 civil penalty.**

**Decision: Approved**

**3. Case No.: COS-2016073141**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This is a consumer complaint alleging unlicensed activity in a residence. Upon inspection, the Respondent admits to unlicensed activity. Shop owner and manager are the same individual.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with civil penalty of \$2,000 (\$1,000 for unlicensed shop and \$1,000 for unlicensed individual)**

**Decision: Approved**

**4. Case No.: COS-2016067421**

**First License Obtained: 01/24/2012**

**License Expiration: 12/31/2017**

**Complaint history: None**

Pursuant to inspection in November 2016, the Respondent was operating a shop with at least one unlicensed individual. Another individual, who at the time was performing a manicure, exited through the back door when inspector announced who he was but this person's identity is unknown. In addition, there was no shop manager present. The manager and owner are the same person.

**Recommendation: Authorize case for formal hearing. Authorize settlement by consent order with civil penalty of \$1,500 (\$500 for no shop manager present) and (\$1,000 for unlicensed individual).**

**Decision: Approved**

**5. Case No.: COS-2016069631**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: 2015013081, closed by Notice of Default and Initial Order and assessment of \$1,000 civil penalty and costs of \$358.34**

Pursuant to inspection, the Respondent shop was operating without a license and four individuals who refused to identify themselves were providing braiding services to customers and all of them stated that they were providing services without a license.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with civil penalty of \$5,000.**

**Decision: Approved**

**6. Case No.: COS-2017001301**

**First License Obtained: 09/19/2013**

**License Expiration: 09/30/2017**

**Complaint history: 2014014301, closed by Consent Order and payment of \$2,250 civil penalty; 2015018821, closed by Consent Order and payment of \$1,000 civil penalty**

Pursuant to inspection in January 2017, the Respondent was found to have one individual providing services without a license, whose identity is unknown. The manager and shop owner are the same individual.

**Recommendation: Authorize for formal hearing. Authorize settlement by consent order with civil penalty of \$1,000 to the shop for unlicensed activity.**

**Decision: Approved**

**Barber**

**7. Case No.: BAR-2016067621**

**First License Obtained: 03/19/2007**

**License Expiration: 03/31/2017**

**Complaint history: 2013011241, Closed with a Letter of Warning; 2015004951, Closed by Consent Order and payment of \$200 civil penalty**

Pursuant to inspection in November 2016, the Respondent shop was found to have one individual who was also the shop manager/owner performing services on a suspended license for failure to pay child support, said license having been suspended since December 2015.

**Recommendation: Authorize for formal hearing. Authorize settlement by consent order with civil penalty of \$1,000.**

**Decision: Approved**

**8. Case No.: BAR-2016070371**

**First License Obtained: 05/20/2016**

**License Expiration: 05/31/2018**

**Complaint history: None**

Pursuant to inspection in November 2016, the Respondent shop was found to have changed locations without notifying the board. The shop owner and manager are the same person. The owner stated that the reason for the move was due to a flood which caused the shop to have to move into another suite in the same shopping center.

**Recommendation: Authorize for formal hearing. Authorize settlement by consent order with civil penalty of \$1,000.**

**Decision: Approved**

**9. Case No. BAR 201606528**

**First License Obtained: 12/09/2016**

**License Expiration: 11/30/2018**

**Complaint History: None**

**Pursuant to inspection from a competitor complaint in October 2016, the inspector noted that the Respondent appeared to be a shop operating without a license based on the fact that he saw a salon chair through a window but no customers. The Respondent responded and stated that she had applied for a Barber Shop license in November 2016 after the inspector visited her home but states she was not charging for her services prior to receiving a license. Respondent has been issued a license which is current.**

**Recommendation: Closure.**

**Decision: Approved**

**Re-presents**

**10. Case No.: L15-COS-RBS-2015019091**

**First License Obtained: 10/30/2014**

**License Expiration: 10/31/2016 (Renewed 01/24/2017)**

**Complaint history: 2016026831, closed by Consent Order and payment of \$500 Civil penalty**

**11. Case No.: L15-COS-RBS- 2015019101**

**First License Obtained: 03/13/2008**

**License Expiration: 03/31/2018**

**Complaint history: None**

Both of these cases were presented to the board in December 2015. At that time the board recommended settlement by consent order in the amount of \$3,000 to each to the shop owner and the manager who are not the same person for allowing three unlicensed individuals to perform services in the shop. Since that time, the owner has entered into a consent order and paid a \$1,000 civil penalty for another unlicensed

violation which was paid in January 2017 but at that time requested a meeting with Asst General Counsel, Pam Spicer, to discuss the two above cases that are in litigation awaiting settlement or hearing. The Respondent stated that she is not currently working due to being injured in an automobile wreck and is also in the middle of a divorce. The Respondent also stated that the manager is her sister and that she, the owner, would be paying the penalties for the shop and the manager. The Respondent's shop owner asked if the penalty could be reduced to \$3,000 total for both the shop and the manager due to the hardship identified above by the shop owner.

Recommendation: Settlement by consent order with civil penalty of \$3,000 for shop/manager in combined consent order. Formal hearing previously authorized.

**Decision: The Board upheld the prior recommendations from December 2015 of a \$6,000 civil penalty which consists of \$3,000 to the shop owner and \$3,000 to the shop manager for a total of \$6,000 civil penalty. Prior authorization remains for formal hearing or settlement by consent order with civil penalty of \$3,000 to shop owner and \$3,000 to shop manager.**

**Allison Ratton**

**Barber**

**12. Case No.: BAR-2016054271**

**First License Obtained: 06/05/2013**

**License Expiration: 05/31/2017**

**Complaint history: 2015021599, closed by Letter of Warning**

A complaint was received alleging alcohol was being served in the shop. The entry sign shows the type of whiskeys offered by this barbershop. This shop also has a full service cosmetology shop license. Beer bottles were located in a cooler in the front hall and in the kitchen refrigerator. Pictures were provided showing the alcohol and the signage. The owner is the manager.

**Recommendation: Closure. Dual shop licensees can serve alcohol.**

**Decision: Approved**

**13. Case No.: BAR-2017002001**

**First License Obtained: 07/19/2010**

**License Expiration:**

**REVOKED**

**Complaint history:**

**2013021571, closed by an Initial Order for the revocation of license and assessment of \$3,000 civil penalty and \$218.75 costs**

Pursuant to an inspection on January 11, 2017, an investigator discovered Respondent performing a haircut and that a license was not posted at his workstation. Respondent advised that he could not find his license, and the investigator verified that it had been revoked.

**Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$1,000 for practicing while barber license is revoked.**

**Decision: Approved**

### **Cosmetology**

**14. Case No.: COS-2016074321**

**First License Obtained:**

**06/22/2016**

**License Expiration:**

**06/30/2018**

**Complaint history:**

**None**

The Board received a consumer complaint from a consumer alleging she had eyelash extensions applied by the shop, and a few days later the eyelashes fell off. The consumer states she called the shop to arrange an appointment to have the eyelashes fixed, but was told the shop would not fix them because the shop had done a courtesy reapplication for the consumer in the past.

In its response, the shop stated that when it services lashes, it tells customers the home care techniques to ensure quality and endurance of the lashes and cannot make guarantees due to the customers' possible activities once they leave the shop. The shop stated that it did give the customer a courtesy fix in the past at no charge which took about 2 hours. In the instance that is the subject of this complaint, the shop stated that it offered to fix the lashes for a small fee but the customer refused. The shop stated it will not perform another 2-hour complimentary service for her, as this customer does not take care of her lashes and requires more time than usual for a fill, and has a habit of making appointments but fails to show or cancel.



**Recommendation: Closure.**

**Decision: Approved**

**15. Case No.: COS- 2016071981**

**First License Obtained: 10/30/2006**

**License Expiration: 07/31/2018**

**Complaint history: None**

The Board received a consumer complaint regarding an eyebrow wax she received from the Respondent shop. The consumer stated that the wax was applied in one coat on both eyebrows, and when the waxing strips were removed it hurt worse than normal. Lotion was then applied to the affected area which made the consumer experience a burning sensation. The consumer requested hydrocortisone, which the shop did not have, but did receive Neosporin. Post appointment, the burns worsened, leaving the consumer with wounds on her face. As of the filing of the complaint, the consumer states the burns have not healed and left scars and discoloration, and submitted photos showing red scars around her eyebrows. The shop did not respond to the complaint.

**Recommendation: Close with a letter of instruction as there has been no complaint history and inspection within thirty days as there was no response provided.**

**Decision: Approved**

**16. Case No.: COS-2016067931**

**First License Obtained: 03/08/2004**

**License Expiration: 02/28/2018**

**Complaint history: None**

Pursuant to an inspection on November 14, 2016, an investigator discovered that the shop license had expired on February 28, 2016; therefore, it had been over 240 days without renewing the shop license.

**Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$100 for operating with an expired shop license.**

**Decision: Approved**

**17. Case No.: COS-2016070461**

**First License Obtained: 04/16/2013**

**License Expiration: 02/28/2017**

**Complaint history: None**

The Board received a complaint from a consumer who alleges she paid the shop \$350 for highlights and hair extensions, but the shop has refused to provide her with instructions on how to pay for the extensions and her head has been in pain since the service was performed. She also stated she called the shop to have the extensions removed or fixed but the shop is not offering a solution or refund.

**Recommendation: Close with a letter of instruction as there has been no complaint history and inspection within thirty days as there was no response provided.**

**Decision: Approved**

**18. Case No.: COS-2016065221**

**First License Obtained: 07/24/2014**

**License Expiration: 07/31/2016**

**Complaint history: None**

Pursuant to an inspection on October 27, 2016, an investigator discovered that the shop license had expired on July 31, 2016; therefore, it had been over 60 days without renewing the shop license. The inspector observed customers being serviced in the shop.

**Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$100 for operating with an expired cosmetology shop license.**

**Decision:**

**Represent**

**19. Case No.: COS- 2016047021**

**First License Obtained: 08/06/2015**

**License Expiration: 07/31/2017**

**Complaint history: None**

The Board previously authorized a civil penalty in the amount of \$1,750, which included \$250 for sanitation violations. These violations included "no covered container for soiled towels" and "inadequate lighting and/or ventilation/ exposed services not kept clean". Respondent contacted the Board office to contest the sanitation violations, and the Board lacks evidence of such violations. On this basis, the Board should not proceed with the civil penalty as it pertains to the alleged sanitation violations.

**Recommendation: Re-authorize for formal hearing. Authorize settlement by consent order assessing \$1,500, which consists of \$1,000 civil penalty for unlicensed activity and \$500 civil penalty for no manager present.**

**Decision: Approved**

**20. Case No.: COS-2016057941**

**First License Obtained: 06/30/1997**  
**License Expiration: 03/31/2018**  
**Complaint history: 2012001991, closed with a Letter of Warning**

**21. Case No.: COS-2016057961**

**First License Obtained: 07/22/1998**  
**License Expiration: 07/31/2018**  
**Complaint history: None**

Pursuant to an inspection on September 21, 2016, the inspector observed the owner's individual manicurist license had expired on July 31, 2016. The owner, who was providing services, admitted he was unaware of the expiration and apologized for the oversight. The owner signed the NOV but did not respond to the complaint.

At its December Board meeting, the Board authorized these cases for formal charges and settlement for a total civil penalty of \$100 for expired license. After these cases were presented to the Board, it was discovered that the Respondent had already paid the civil penalty in full and signed the agreed citations admitting to the violations found during the inspection.

**Recommendation: Close.**

**Decision: Approved**

The meeting adjourned at 9:15 AM.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield for approval by the full board of the Legal Report as amended. Motion carried unanimously.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond for permission to have the Public Hearing date set for the Mobile Salon Rules to be on March 6<sup>th</sup>, 2017 at the next Board meeting.

**Cosmetology Consent Orders – December and January - Totaling \$22,700**

MOTION made by Mona Sappenfield and seconded by Bobby Finger for approval of all consent orders. Motion carried unanimously.

**Agreed Citations – December and January - Totaling \$8,400**

MOTION made by Mona Sappenfield and seconded by Yvette Granger for approval of all agreed citations. Motion carried unanimously.

**Letters of warning**

During the month of December there were three (3) letters of warning issued.

201606566

201606569

201606572

MOTION made by Patricia Richmond and seconded by Mona Sappenfield for approval of all letters of warning. Motion carried unanimously.

**NEW BUSINESS**

Financial information through the end of November 2016 reflects the board as received \$856,689 in revenue and expenditures of \$790,094 with an ending surplus so far this fiscal year of \$66,595.

**Additional Questions:**

**Motion to adjourn**

MOTION to adjourn made by Patricia Richmond and seconded by Mona Sappenfield. Motion carried unanimously.

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**Brenda Graham**

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**Nina Coppinger**

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**Judy McAllister**

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**Kelly Barger**

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**Patricia J. Richmond**

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**Mona Sappenfield**

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**Frank Gambuzza**

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**Amy Tanksley**

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**Anita Charlton**

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**Yvette Granger**

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**Ron R. Gillihan**

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**Bobby N. Finger**